

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JEFFREY R. McKEE,  
Plaintiff,

v.

LOREN TAYLOR, *et al.*,  
Defendants.

CASE NO. C09-5207RJB

ORDER CONSOLIDATING CASES

JEFFREY R. McKEE,  
Plaintiff,

v.

D. CHERRY, *et al.*,  
Defendants.

CASE NO. C09-5208FDB

The two cases listed above are before this court on defendant's motion to consolidate (09-5207RJB Dkt # 21, 09-5209FDB Dkt. # 15). Plaintiff opposes consolidation (09-5207 Dkt. # 30).

The Court has examined both complaints. Both cases arise out of the same facility, and both complaints allege a denial of access to courts and a claim of retaliation. Although the

1 factual predicates and parties are not identical, judicial economy warrants consolidation of these  
2 two cases. See, Fed. R. Civ. P 42. According it is hereby ORDERED:

- 3 1. Case number C09-5208FDB is consolidated with Case number C09-  
4 5207RJB. The cases will be consolidated as Case number C09-5207RJB.  
5 Future filings should be under file in C09-5207RJB
- 6 2. The Clerk's office is directed to file this order in Case number C09-  
7 5208FDB and to administratively close C09-5208FDB
- 8 3. Defendants filed a motion to dismiss in C09-5207RJB (Dkt. # 29); that  
9 motion is noted for July 31, 2009. Defendants shall inform the court and  
10 plaintiff immediately if they wish the court to consider this motion, or if  
11 they wish to withdraw the motion, so that a motion addressing all issues  
12 and all defendants can be filed. Defendants should answer this question  
13 with a filing filed not later than July 22, 2009. If the motion is not  
14 withdrawn, plaintiff's response will be due by July 27, 2009.
- 15 4. The Clerk is directed to send uncertified copies of this Order to all counsel of  
16 record and to any party appearing *pro se* at said party's last known address.
- 17 5. This matter is re-referred to the Honorable Magistrate Judge Richard  
18 Creatura.

19 DATED this 17th day of July, 2009.

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ROBERT J. BRYAN  
United States District Judge